



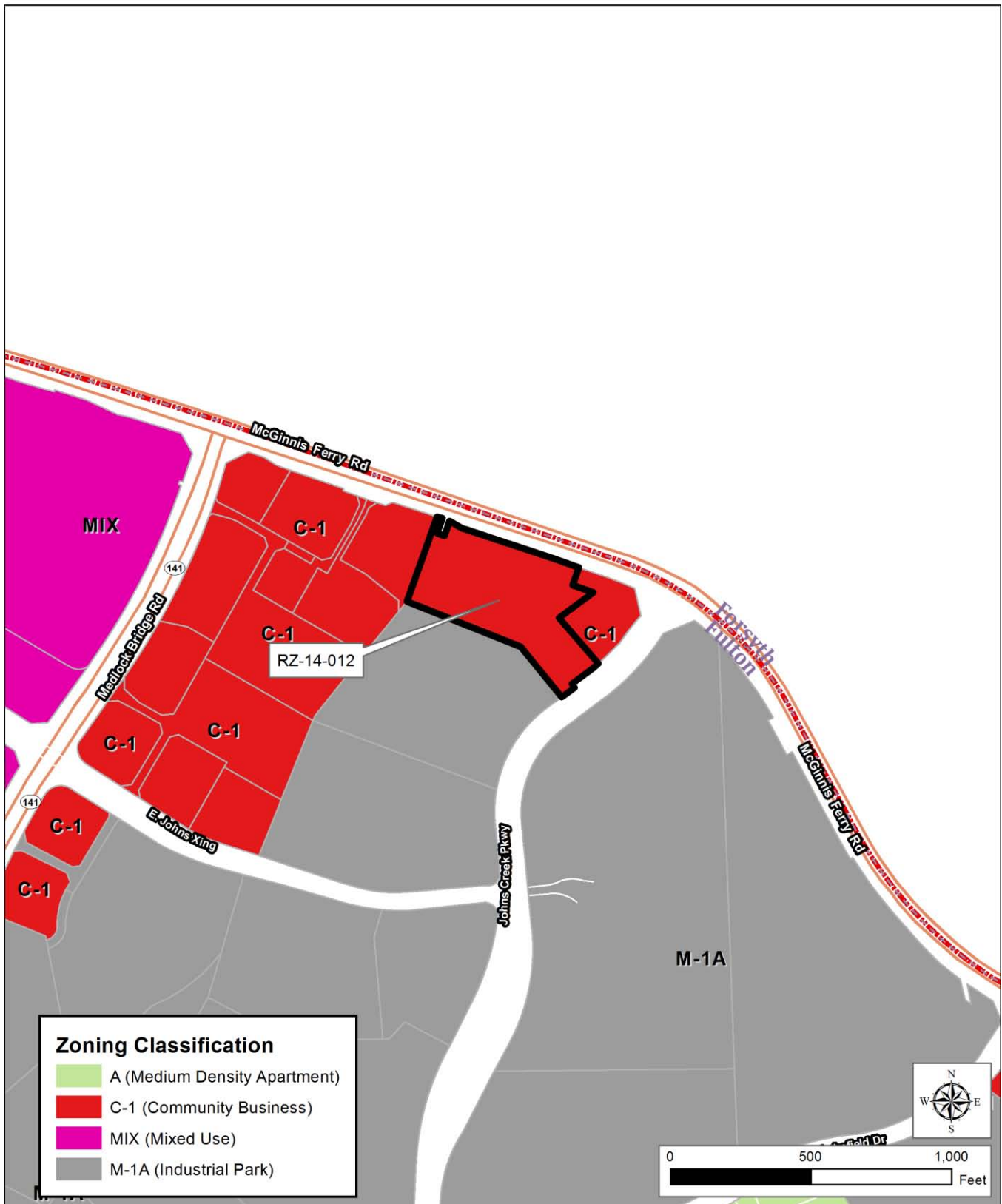
Land Use Petition: RZ-14-012

Date of Staff Recommendation Preparation: July 17, 2014

Revised to Incorporate Planning Commission Recommendations: August 5, 2014

PROJECT LOCATION:	6600 Block of McGinnis Ferry Road 11700 Block of Johns Creek Parkway
DISTRICT/SECTION/LANDLOT(S):	1 st District, 1 st Section, Land Lots 399 and 400
ACREAGE:	4.77 Acres
EXISTING ZONING:	C-1 (Community Business District) Conditional
PROPOSED ZONING:	C-1 (Community Business District) Conditional
FUTURE DEVELOPMENT MAP DESIGNATION:	Character Area 2 – Technology Park Activity Node Gateway
APPLICANT:	Cross Development, LLC Children’s Learning Adventure Childcare Centers Carl Frontera 3131 Camelback Road, Suite 420 Phoenix, AZ 85010
OWNER:	TPA Investments, LLC 3350 Riverwood Parkway, Suite 750 Atlanta, GA 30339
PROPOSED DEVELOPMENT:	Childcare, preschool, and after school facility at approximately 33,237 square feet
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS

RZ-14-012



PROJECT OVERVIEW

The applicant has requested rezoning of a 4.77-acre tract from C-1 (Community Business District) Conditional to C-1 (Community Business District) Conditional in order to construct a childcare, preschool, and after school facility of 33,237 square feet. The property at 6650 McGinnis Ferry Road is currently bound by the conditions of Fulton County zoning case 2004Z-0094, which limits development to 46,500 square feet of retail, service commercial, or office and accessory uses. 2004Z-0094 rezoned 6.54 acres to C-1 Conditional at a maximum density of 7,102 square feet per acre, and includes the parcel immediately east of the subject property that is currently the location of a 15,016-square-foot bank. Current zoning conditions on the subject property would allow for 31,484 square feet of new development.

The property is located on the south side of McGinnis Ferry Road, with a second road frontage on the west side of Johns Creek Parkway south of its intersection with McGinnis Ferry Road. There are no structures currently existing on the site. The proposed development would have one ingress/egress access point off of McGinnis Ferry Road and one off of Johns Creek Parkway.

The applicant has provided architectural building elevations with the rezoning application, which meet Community Standards for brick, stone, or glass materials and varying roof elements. The Department would note that specific building materials and wall percentages will be evaluated per the Community Standards before issuance of a building permit.

STANDARDS OF REVIEW

A. Whether or not the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property?

The surrounding zoning, land uses and development criteria are as follows:

Adjacent Properties	Zoning (Petition Number)	Land Use	Density
North	N/A (Forsyth County)	Commercial Business District (Forsyth County)	N/A (Forsyth County)
West	C-1 Conditional (NFC 1990 -037)	Offices, Bank	5,445 square feet/acre
South & East	M-1A Conditional (Z-83- 141)	Industrial Park (Technology Park)	10,000 SF/Acre overall maximum; 20,000 SF/Acre maximum/site
East	C-1 (Community Business) Conditional (NFC 2004Z- 094)	Bank	7,102 square feet/acre

The proposed land use as requested would be suitable in view of the use and development of adjacent and nearby properties, which are characterized by M-1A and C-1 commercial, office, and institutional uses found within the Technology Park Business Park. The proposed

development would also be zoned C-1 at a density of 6,967, square feet per acre, which is compatible with surrounding areas. Additionally, the proposed C-1 zoning would be compatible with surrounding C-1 and M-1A areas.

B. Whether or not the proposal will adversely affect the existing use or usability of adjacent or nearby property?

The proposed development would be compatible with and not adversely affect the commercial, office, and institutional uses existing on adjacent and nearby properties. The proposed outdoor play area for the daycare may create adverse effects associated with noise to the adjacent multi-family development; however, established landscape strips and buffers along the shared property lines to the south and west should help to reduce those impacts.

C. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned?

The subject property has a reasonable economic use as currently zoned.

D. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?

An increase in traffic generation and utility demand over the currently undeveloped property would be anticipated from this request. While the overall allowable commercial square footage would be increased from 31,484 to 33,237 square feet, no excessive or burdensome impacts would be anticipated for the subject property.

E. Whether the proposal is in conformity with the policy and intent of the Comprehensive Plan including the land use element?

The City of Johns Creek 2030 Future Development Map shows the subject property within the Activity Node on the border of Character Area 2: Technology Park and Character Area 9: 141 Corridor. The Comprehensive Plan's stated goals for Character Area 2 include the continued concentration of professional offices and corporations, with office and personal services listed as appropriate commercial uses. Character Area 9 is intended to be a "predominately strip commercial corridor" that supports "high-end corporate entities...as well as the service industry." Appropriate commercial and office uses include business services of up to four stories in height. The proposed development of a childcare, preschool, and after school facility would be in conformity with the policy and intent of the Comprehensive Plan in Character Areas 2 and 9.

F. Whether there are other existing or changed conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the proposal?

The subject property is currently zoned C-1 Conditional at a scale comparable to the proposed development. The retention of commercial zoning at the proposed density would give supporting grounds for approval of the proposal.

G. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of the City of Johns Creek.

There appears to be no environmentally sensitive natural resources that would be impacted from single family residential uses. Required stream buffers are shown on the plan.

STAFF ANALYSIS

The proposed 4.77-acre site is located on the south side of McGinnis Ferry Road to the east of Medlock Bridge Road, with a second road frontage on the west side of Johns Creek Parkway. The site is currently vacant. The Johns Creek Future Development Map shows the property located on the border between Character Area 2 (Technology Park) and Character Area 9 (141 Corridor). The property is also located within an Activity Node and Gateway. The surrounding area is characterized by commercial, office, and institutional uses in and around the Activity Node at the intersection of Medlock Bridge Road and McGinnis Ferry Road to the west, as well as in Technology Park to the south and east. A commercially zoned area of Forsyth County is located across McGinnis Ferry Road to the north.

The subject property is currently zoned C-1 Conditional pursuant to Fulton County zoning case NFC 2004Z-0094 as a portion of a larger 6.54-acre commercial development limited to 46,500 square feet of retail, service commercial, office and accessory uses. A 15,016-square-foot bank, which is not part of this rezoning request, has been constructed on a parcel at the eastern edge of the 2004Z-0094 site, leaving 31,484 feet of allowable commercial construction under the current zoning. The proposed development of 32,237 square feet would represent a 6 percent increase in commercial space on the site. This increase is in keeping with the intensity of development called for by the Comprehensive Plan and would not be detrimental to surrounding uses.

Technology Park is adjacent the subject property to the east and south, and includes office, institutional, and retail uses. M-1A properties in Technology Park have a maximum density of 10,000 square feet per acre overall and 20,000 square feet per acre per site. To the west of the proposed development site, properties are zoned C-1, with a maximum density of 5,445 square feet per acre. The proposed development is compatible in scale to these surrounding properties. The subject property would be conditioned to include buffers, landscape strips, and setbacks to ensure continued compatibility of uses with adjacent developments.

The subject property lies on the border of the Technology Park and 141 Corridor Character Areas on the 2030 Future Development Map. The property is also located within the Activity Node surrounding the intersection of Medlock Bridge Road and McGinnis Ferry Road, and Comprehensive Plan designates activity nodes for the most intensive uses within an area. The established policy would recommend commercial, office, and institutional uses that may be characterized by their relatively high intensity. The proposed development would be consistent with the commercial focus of the 141 Corridor Character Area and would be in harmony with the office and institutional land use of Technology Park.

The proposed rezoning from C-1 Conditional to C-1 Conditional would result in a slight increase in allowable commercial space square footage at a comparable density. New zoning conditions and a new site plan allowing the construction of a childcare, preschool, and after school facility would remain in keeping with the goals and policies of the Comprehensive Plan and would be compatible with surrounding areas in scale and use. Therefore, the Department of Community Development recommends **APPROVAL WITH CONDITIONS**.

DEPARTMENT COMMENTS

PUBLIC WORKS

1. The City of Johns Creek has no Capital Improvement Project located on Johns Creek Parkway or McGinnis Ferry Road in the vicinity of property to be considered for rezoning.
2. Curb cut locations and alignments are subject to an approved sight distance plan and the approval of the City of Johns Creek Director of Public Works.
 - a. Ensure that the right-of-way is cleared of all obstructions that may limit the sight-distance of the driver. This includes at a minimum all trees and/or shrubs and fencing. Coordinate all improvements in the right-of-way with the City's Director of Public Works.
 - b. Line of sight must remain entirely in the right-of-way. Additional right-of-way or a permanent easement may need to be dedicated to meet this requirement.
3. Applicant will be required to repair and/or install a 5-foot sidewalk along the entire property frontage on Johns Creek Parkway and along McGinnis Ferry Road at no cost to the City of Johns Creek.
4. Applicant shall submit a circulation plan for the safe drop off and pickup of the school children.
5. Applicant shall accurately show the existing sidewalk along McGinnis Ferry Road.
6. Applicant shall ensure that the trail adjacent to the detention pond remains and connect to the sidewalk on McGinnis Ferry Road.
7. Applicant shall install sidewalk along both road frontages and provide pedestrian connectivity to the building from McGinnis Ferry Road.

Zoning Conditions for Requested C-1 Zoning:

1. Owner/Developer shall provide no more than one (1) full access curb cut from Johns Creek Parkway and no more than one (1) three-quarter access from McGinnis Ferry Road (prohibiting left turns from the site onto McGinnis Ferry).
2. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of Johns Creek Parkway a minimum of seventy-five feet (75ft) from the centerline of the road and such additional right-of-way as may be required to provide at least 11 feet of right-of-way from back of curb or 1 foot from edge of sidewalk, whichever is greater, prior to the issuance of a Land Disturbance Permit as approved by the City of Johns Creek Director of Public Works.
3. Owner/Developer shall provide a cross access easement for inter-parcel access with the adjacent property at the corner of Johns Creek Parkway and McGinnis Ferry Road.
4. Owner/Developer shall provide a circulation plan for the safe drop off and pickup of the school children. Said plan shall be approved by the Director of Public Works prior to the issuance of a Land Disturbance Permit.

FIRE MARSHAL

1. Applicant shall provide a current water flow report and GPS locate all fire hydrants by LDP submittal. New fire hydrants shall be added to the site for this proposed building.
2. Identify water main sizes on plans by LDP submittal.
3. Building will be required to have an approved fire sprinkler system, therefore, shall identify location of FDC by LDP submittal.
4. Wheel stops will most likely be needed for the required clear space from the ADA parking stalls to the entrance of the proposed building.
5. The 20ft road way and the horseshoe turnaround on the west side of the structure shall be marked as a fire lane with no parking allowed. Follow the requirements mentioned in fire ordinance.
6. Additional emergency exit gates may be required out of the fenced off playgrounds around the structure.

ARBORIST

1. Tree Ordinance and Administrative Guidelines requirements to be met through land disturbance permit. Landscape strips, density requirements, and any specimen recompense are to be planted per the Guidelines.
 - a. A 40-foot landscape strip is required adjacent to McGinnis Ferry Road; landscape strip is measured from the dedicated right-of-way. Current landscaping, within strip, may be used to meet/supplement current requirements.
 - b. A 25-foot landscape strip is required adjacent to Johns Creek Parkway; landscape strip is measured from the dedicated right-of-way. Current landscaping, within strip, may be used to meet/supplement current requirements.
 - c. 10-foot landscape strips are required adjacent to internal property lines, and must be planted per current requirements.
 - d. The tree density required for this site is 30 units per acre.

SITE DEVELOPMENT

1. A land Disturbance Permit (LDP) is required to develop the property. Development plans will have to comply with the Development and Zoning Regulations, Tree Preservation, Erosion & Sediment Control, Floodplain, Stream and Post-Development Stormwater Management Ordinances. A surety will be required for erosion control and any right of way improvements prior to issuance of land disturbance permit.
2. Fulton County Water and Sewer approval is required prior to issuance of land disturbance permit.
3. Water/ Sanitary/ Storm as-builts, and a stormwater maintenance agreement (if applicable) will be required prior to issuance of a building permit.
4. Regional detention facility must have 20' landscape strip and 10' access easement around entire perimeter.
5. Drainage easements are a minimum of 20' wide. Width is based on size of pipe and depth of pipe per Section 113-146 (1)d.
6. Site is within the Johns Creek Watershed which is an impaired stream segment for fecal coliform and biota. Erosion Sediment and Pollution Control plan must include additional Best Management Practices.

FULTON COUNTY DEPARTMENT OF WATER RESOURCES

NOTE: Various Fulton County departments or divisions that may or may not be affected by the proposed development provide the following information. Comments herein are based on the applicant's conceptual site plan and are intended as general non-binding information and in no manner suggest a final finding by the commenter. All projects, if approved, are required to complete the Johns Creek Plan Review process and the Fulton County Review process for sewer (and/or water) prior to the commencement of any construction activity.

WATER:

Anticipated water demand: 12 gallons per day (GPD) per student x 375 students (Childcare, preschool and afterschool facility) = 4,500 gallons per day.

This project is within the Fulton County Government water service jurisdiction. There is a 12-inch water line along the west side of Johns Creek Parkway and an 8-inch water line on the south side of McGinnis Ferry Road that can serve this location.

SEWER:

Basin: Johns Creek
 Treatment Plant: Johns Creek
 Anticipated sewer demand: 4,050 gallons per day

There are four sewer manholes within the southern boundaries of the 4.77-acre tract (6650 McGinnis Ferry Road) that can serve this proposed childcare facility (Sewer manholes #SMJC3628510, #SMJC3628520, #SMJC3628530 and #SMJC3628540) Land Lot 400, District 1, Section 1.

Comments: This information does not guarantee that adequate sewer capacity is available at this time or will be available upon application of permits. Please contact the Department of Water Resources (Public Works) for more information.

FULTON COUNTY DEPARTMENT OF HEALTH SERVICES

The Fulton County Department of Health and Wellness will require that the applicant/developer connect the proposed development to public water and public sanitary sewer available to the site.

Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.

Any proposed facility must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – “Smokefree Air”. If the proposed facility will serve persons under the age 18, no smoking will be allowed on the premises at any time.

If this proposed development includes a public swimming pool as defined in the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article XII – Swimming Pools and Natural Bathing Beaches including spas, whirlpools, etc., the owner or contractor must submit plans for review and approval by this department and must obtain a Department of Health and Wellness permit to construct before issuance of a building permit. Also, the owner of the facility must obtain a Department of Health and Wellness permit to operate the pool prior to opening.

This Department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.

The Fulton County Department of Health and Wellness recommends this facility meet all permit requirements for child care learning centers under Bright from the Start: Georgia Department of Early Care and Learning.

While additional research is needed to further understand the mechanism of exposure and magnitude of impact to vehicle-related pollution, the existing studies have demonstrated that there may be increased negative health outcomes for people who live, work, or attend school near major roads. Since the proposed location for this development is in close proximity to two roadways, the Department of Health and Wellness recommends that strategies are used to reduce the exposure of the children to the vehicle-related pollution if the proposed childcare, preschool, and afterschool development is approved.

PLANNING COMMISSION AND STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL AS C-1 CONDITIONAL**, subject to the following conditions of approval or as may be amended by the Mayor and City Council:

1. The site shall be limited to commercial and/or office uses with a maximum of 35,000 square feet.
2. The property shall be developed in general conformance with the site plan submitted on May 6, 2014 to the Community Development Department with revisions to meet these conditions.
3. Building shall be substantially similar to the architectural elevations submitted May 6, 2014 and shall meet Community Standards. Final elevations shall be subject to review and approval of the Community Development Director prior to issuance of a Building Permit.
4. Development shall include no more than one (1) full-access driveway on McGinnis Ferry Road and one (1) full-access driveway on Johns Creek Parkway as shown on the submitted site plan.
5. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage on McGinnis Ferry Road a minimum of seventy-five (75) feet from the centerline of the road and such additional right-of-way as may be required to provide at least eleven (11) feet of right-of-way from back of curb or one (1) foot from edge of sidewalk whichever is greater, prior to the issuance of a Land Disturbance Permit as approved by the City of Johns Creek Director of Public Works.
6. Owner/Developer shall provide no more than one (1) full access curb cut from Johns Creek Parkway and no more than one (1) three-quarter access from McGinnis Ferry Road (prohibiting left turns from the site onto McGinnis Ferry).
7. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of Johns Creek Parkway a minimum of seventy-five feet (75ft) from the centerline of the road and such additional right-of-way as may be required to provide at least 11 feet of right-of-way from back of curb or 1 foot from edge of sidewalk, whichever is greater, prior to the issuance of a Land Disturbance Permit as approved by the City of Johns Creek Director of Public Works.
8. Owner/Developer shall provide a cross access easement for inter-parcel access with the adjacent property at the corner of Johns Creek Parkway and McGinnis Ferry Road.
9. Owner/Developer shall provide a circulation plan for the safe drop off and pickup of the school children. Said plan shall be approved by the Director of Public Works prior to the issuance of a Land Disturbance Permit.